

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1554.00</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Brian Simkins</b>
<b>DATE OF COMPLAINT:</b>	<b>April 5, 2000</b>
<b>DATE OF REPORT:</b>	<b>May 8, 2000</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>no</b>
<b>DATE OF CLOSURE:</b>	<b>May 25, 2000</b>

**COMPLAINT ISSUES:**

Whether the Richmond Community School Corporation violated:

511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:

- a. Using a time-out room for reasons not included in the IEP; and
- b. Allowing the student to sleep through some or all of the instructional day.

This report was originally due on May 5, 2000. Due to a pending due process hearing decision related to the complaint issue, a brief extension of time was granted to May 12, 2000 in which to complete this report.

**FINDINGS OF FACT:**

1. The Student is fifteen years old and, at the time identified in the complaint, attended the Day Treatment Program (the "Program") at Richmond State Hospital. Since February 10, 2000, the Student has been home schooled. He is eligible for special education and related services as a student with an emotional handicap.
2. The Student's current *IEP* indicates that, as part of the Individual Behavior Plan, isolated time-out can be used as a strategy for positive behavior changes. In addition, the Individual Behavior Plan also states that in-school isolation is not to exceed six and one-half hours a day. It further stipulates that students in the time-out room must always be supervised by an adult.
3. According to the Levels Behavior Management System, isolated time-out is an integral part of the Program made necessary when a student continues to demonstrate confrontational behaviors that require a longer period of time to "cool off". Students receive reinforcement for choosing appropriate behaviors, and consequences when they have not made appropriate behavioral choices. The time period is not served until the student chooses to behave appropriately for that specified time period sitting on a designated time-out chair.
4. Documentation on each time-out room log shows that on several occasions the Student did choose to sleep in the time-out room rather than serve his time appropriately by sitting on the isolated time-out chair.
5. Documentation on each time-out room log shows that at no time was the Student unsupervised by an adult, nor was the Student isolated for a time exceeding six and one-half hours. The time-out

logs also show that the Student was routinely prompted to wake up and encouraged to start his time.

**CONCLUSIONS:**

Findings of Fact #2 and #3 show that use of a time-out room is included in the Student's *IEP* and is part of the Levels Behavior Management System. Findings of Fact #4 and #5 show that, although the Student did sleep through portions of the instructional day on several occasions, he elected to do so rather than cooperate and, therefore, remained in the isolated time-out room according to policy. There is no violation of 511 IAC 7-12-1.

**The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.**